

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

ORGANIZATIONAL SESSION
SIXTY-SECOND LEGISLATURE

**FIRST LEGISLATIVE DAY
THURSDAY, DECEMBER 6, 2012**

Senate Chamber

At the hour of 9 a.m. on Thursday, December 6, 2012, the members-elect of the Senate of the Sixty-second Idaho Legislature convened in the Senate Chamber of the Capitol in the City of Boise for an organizational session, President Brad Little presiding.

The following Certificate of Election was read by the Secretary of the Senate:

STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF ELECTION

I, Ben Ysursa, Secretary of State of the State of Idaho and legal custodian of the records of elections held in the State of Idaho, do hereby certify that the following is a full, true, and complete list of those elected to serve as members of the Senate of the First Regular Session of the Sixty-Second Legislature, as shown by official records on file in my office:

DISTRICT	NAME
1	Shawn A. Keough (R)
2	Steve Vick (R)
3	Bob Nonini (R)
4	John W. Goedde (R)
5	Dan J. Schmidt (D)
6	Dan Johnson (R)
7	Sheryl L. Nuxoll (R)
8	Steven Thayn (R)
9	Monty J. Pearce (R)
10	Jim Rice (R)
11	Patti Anne Lodge (R)
12	Todd Lakey (R)
13	Curt McKenzie (R)
14	Marv Hagedorn (R)
15	Fred S. Martin (R)
16	Les Bock (D)
17	Elliot Werk (D)
18	Branden J. Durst (D)
19	Cherie Buckner-Webb (D)
20	Chuck Winder (R)
21	Clifford R. "Cliff" Bayer (R)

22	Russell M. Fulcher (R)
23	Bert Brackett (R)
24	Lee Heider (R)
25	Jim Patrick (R)
26	Michelle Stennett (D)
27	Dean L. Cameron (R)
28	Jim Guthrie (R)
29	Roy Lacey (D)
30	Dean M. Mortimer (R)
31	R. Steven Bair (R)
32	John H. Tippets (R)
33	Bart M. Davis (R)
34	Brent Hill (R)
35	Jeff C. Siddoway (R)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise, the Capital of Idaho, this Twenty-eighth day of November, in the year of our Lord, Two Thousand and Twelve, and of the Independence of the United States of America, the Two Hundred and Thirty-seventh.

/s/ BEN T. YSURSA
Secretary of State

The Certificate of Election was ordered filed in the office of the Secretary of the Senate.

Roll call showed all members present.

The Oath of Office was administered to the members of the Senate by President Brad Little.

Prayer was offered by Senator Todd Lakey.

The Pledge of Allegiance was led by Sarah Jane McDonald, Sergeant at Arms.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Moved by Senator Davis, seconded by Senator Stennett, that Senator Brent Hill be elected President Pro Tempore of the Senate for the Sixty-second Idaho Legislature.

The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Durst, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippets, Vick, Werk, Winder. Total - 35.

Whereupon the President declared that the motion prevailed and Senator Brent Hill was elected President Pro Tempore of the Senate for the Sixty-second Idaho Legislature.

The President administered the Oath of Office to President Pro Tempore Hill.

Moved by Senator Davis, seconded by Senator Stennett, that Jennifer Novak be elected Secretary of the Senate for the Sixty-second Idaho Legislature.

The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Durst, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippetts, Vick, Werk, Winder. Total - 35.

Whereupon the President declared that the motion prevailed and Jennifer Novak was elected Secretary of the Senate for the Sixty-second Idaho Legislature.

The President administered the Oath of Office to Secretary of the Senate Jennifer Novak.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Rules of the Senate and Joint Rules of the Senate and House of Representatives as adopted by the Sixty-first Idaho Legislature were adopted as the temporary Rules of the Senate and Joint Rules of the Senate and House of Representatives of the Sixty-second Legislature of the State of Idaho.

At this time, the Senators selected their seats pursuant to Senate Rule 3(B). On request by Senator Davis, granted by unanimous consent, the seats, as presently occupied, were permanently assigned to the Senators for the Sixty-second Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, the following roster of majority and minority leadership was ordered spread upon the pages of the Journal:

Majority Leader Senator Bart M. Davis
Assistant Majority Leader Senator Chuck Winder
Majority Caucus Chairman.....Senator Russell M. Fulcher

Minority Leader Senator Michelle Stennett
Assistant Minority Leader Senator Elliot Werk
Minority Caucus Chairman Senator Cherie Buckner-Webb

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 9:45 a.m. until the hour of 3 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 3 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Pearce and Siddoway, absent and excused.

Prior to recess the Senate was at the Tenth Order of Business, Motions and Resolutions.

Senators Pearce and Siddoway were recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the following committee assignments were approved for the Sixty-second Idaho Legislature:

AGRICULTURAL AFFAIRS (9) Bair, Chairman Guthrie, Vice Chairman

Brackett
Tippetts
Rice
Nonini
Patrick

Durst
Buckner-Webb

COMMERCE AND HUMAN RESOURCES (9) Tippetts, Chairman Patrick, Vice Chairman

Cameron
Goedde
Guthrie
Martin
Lakey

Schmidt
Durst

EDUCATION (9) Goedde, Chairman Mortimer, Vice Chairman

Pearce
Fulcher
Nonini
Thayn
Patrick

Durst
Buckner-Webb

FINANCE (10) Cameron, Chairman Keough, Vice Chairman

Mortimer
Vick
Nuxoll
Johnson
Bayer
Thayn

Schmidt
Lacey

HEALTH AND WELFARE (9) Heider, Chairman Nuxoll, Vice Chairman

Lodge
Hagedorn
Guthrie
Martin
Lakey

Bock
Schmidt

JUDICIARY AND RULES (9) Lodge, Chairman Vick, Vice Chairman

Davis
Mortimer
Nuxoll
Hagedorn
Lakey

Bock
Werk

LOCAL GOVERNMENT AND TAXATION (9) Siddoway, Chairman Rice, Vice Chairman

Hill
McKenzie
Johnson
Vick
Bayer

Werk
Lacey

RESOURCES AND ENVIRONMENT (9)

Pearce, Chairman

Bair, Vice Chairman

Cameron
Siddoway
Brackett
Heider
TippetsStennett
Lacey

STATE AFFAIRS (9)

McKenzie, Chairman

Davis
Fulcher
Hill
Winder
Lodge
SiddowayStennett
Werk

TRANSPORTATION (9)

Brackett, Chairman

Johnson, Vice Chairman

Keough
Winder
Rice
Nonini
HagedornBock
Buckner-Webb

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Goedde, Chairman, and Senators Martin and Buckner-Webb to notify the Governor that the Senate is now organized and ready to conduct business.

The committee was excused.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Brackett, Chairman, and Senators Guthrie and Lacey to notify the House of Representatives that the Senate is now organized and ready to conduct business.

The committee was excused.

The committee appointed to wait upon the Governor returned and reported that the Governor sent his best wishes to the Senate members.

The committee was discharged.

The committee appointed to wait upon the House of Representatives returned and reported that they had conveyed the message to the House and the House expressed their best wishes for a productive session.

The committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Organizational Session of the Idaho Senate of the Sixty-second Legislature adjourned *Sine Die* at 3:30 p.m., Thursday, December 6, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**FIRST LEGISLATIVE DAY
MONDAY, JANUARY 7, 2013**

Senate Chamber

At the hour of 12 noon on Monday, January 7, 2013, the time established for the convening of the First Regular Session of the Sixty-second Idaho Legislature, the members of the Senate convened in the Senate Chamber of the Capitol in the City of Boise, President Brad Little presiding.

Roll call showed all members present.

Prayer was offered by Chaplain James R. Wibberding, Cloverdale Seventh-day Adventist Church, Boise, Idaho.

On request by Senator Davis, granted by unanimous consent, the Sergeant-at-Arms, Sarah Jane McDonald, escorted the Idaho State Police Honor Guard into the Senate chambers to present and post the colors for the 62nd Idaho Senate legislative session.

The Pledge of Allegiance was led by Sarah Jane McDonald, Sergeant-at-Arms.

President Pro Tempore Hill provided a brief history of the Idaho State flag flown over the domes of the House and Senate Chambers during each session of the Legislature. He explained that the flags represent the spirit of our citizens and serve as a symbol of Idaho's sovereignty. They further serve notice to the State that the Legislature, the elected representatives of all the citizens of Idaho, is in session. The State flag is raised over the Chamber when the Senate convenes and will be retired when the Senate adjourns *sine die*.

President Little presented the Idaho State flag to the Honor Guard to be raised above the Senate Chamber to fly during the First Regular Session of the Sixty-second Idaho Legislature and the Honor Guard exited the Chamber.

On request by Senator Davis, granted by unanimous consent, the Sergeant-at-Arms escorted the Cecil D. Andrus Elementary School's Ambassadors Honor Choir into the Senate chambers for the purpose of singing the *Idaho State Song, Be a Candle of Hope and America the Beautiful*.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Rice, Chairman, and Senator Durst to escort the committee from the House of Representatives into the Senate Chamber. Representatives Boyle, Batt, and Pence informed the Senate that the House is now organized and ready to conduct business.

The Senate committee was discharged.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Heider, Chairman, and Senators Lakey and Schmidt to notify the Governor that the Senate is now organized and ready to conduct business.

The committee was excused.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Pearce, Chairman, and Senators Patrick and Buckner-Webb to notify the House of Representatives that the Senate is now organized and ready to conduct business.

The committee was excused.

The committee appointed to wait upon the Governor returned and reported that the Governor sent his best wishes to the Senate members.

The committee was discharged.

The committee appointed to wait upon the House of Representatives returned and reported that they had conveyed the message to the House and the House expressed their best wishes for a productive session.

The committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

January 7, 2013

Dear Mr. President:

I transmit herewith [HCR 1](#), which has passed the House.

ALEXANDER, Chief Clerk

[HCR 1](#) was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[HCR 1](#), by Moyle and Rusche, was introduced and read at length.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of [HCR 1](#) were suspended.

The President declared the rules suspended and announced that [HCR 1](#) was now before the Senate for final consideration. The question being, Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, [HCR 1](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On request by Senator Davis, granted by unanimous consent, the Senate went at ease for the purpose of attending a joint session to hear the Governor's State of the State and Budget Address.

JOINT SESSION

Pursuant to **HCR 1**, the hour of 1 p.m. having arrived, the members of the Senate entered into the House Chamber and met in Joint Session with Speaker Bedke presiding.

Roll call of the House showed all members present.

Roll call of the Senate showed all members present.

The Pledge of Allegiance was led by House Chaplain Tom Dougherty.

Prayer was offered by House Chaplain Tom Dougherty.

On request by Representative Moyle, granted by unanimous consent, the Speaker appointed three committees to wait upon the Supreme Court Justices and Appellate Court Judges, the elected officials, and the Governor and escort them to the House Chamber.

The Speaker appointed Senators Lodge and Bock and Representatives Wills and Burgoyne as the committee to wait upon and escort the Supreme Court Justices and Appellate Court Judges to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Fulcher and Werk and Representatives Gibbs and Smith as the committee to wait upon and escort the elected officials to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Davis and Stennett and Representatives Moyle and Rusche as the committee to wait upon and escort the Governor to the House Chamber.

The Speaker excused the committee.

The committees appointed by the Speaker returned and escorted the Supreme Court Justices, Appellate Court Judges, the elected officials, and the Governor into the House Chamber where they were presented to the Joint Session by the Speaker.

The Speaker introduced His Excellency, the Governor of the State of Idaho, C.L. "Butch" Otter, and the following **State of the State and Budget Address** was delivered by the Governor:

Mr. Speaker, Mr. President, Honorable Justices, my fellow constitutional officers, distinguished legislators and members of my Cabinet, honored guests, friends, my family and our First Lady my fellow Idahoans.

Thank you for inviting me to provide my perspective on where the past year has taken us and where we should go from here.

Before I begin, please join me in paying tribute to Colonel Jerry Russell, who's retiring as Idaho State Police director after a distinguished career in law enforcement; and also to Donna Jones, our dear friend and former legislator who stepped down as State Controller to focus on recovering from a terrible car accident in 2012.

They have my sincere thanks and deep regard for their years of dedicated service to the people of Idaho.

I also want to congratulate all the members of this 62nd Idaho Legislature on your election. Thank you for your public service. It's an honorable pursuit, and I appreciate your willingness to take it on.

My congratulations as well to the Legislature's newly elected leadership teams - House and Senate, Republican and Democrat. Thank you for stepping up to the challenge of constructively channeling the civic virtue within your respective caucuses into public policy that reflects the will of your constituents, the directives of our Constitution, and the better angels of your own conscience.

As many of you know, March 4th of this year - 2013 - marks the 150th anniversary of Idaho officially becoming a U.S. territory.

President Abraham Lincoln signed the act of Congress just two months after issuing the Emancipation Proclamation, and eight months before speaking some of the most cherished and timeless words in American history at the site where thousands of Americans lost their lives in battle - Gettysburg.

I'm sure many of you also know that the new Idaho Territory was created by carving out areas from other newly formed jurisdictions.

That made for a geographic hybrid, and in a wartime wilderness Idaho was left to create its own identity and its own way forward.

It was the birth of Idaho's fierce independence and steadfast commitment to individual liberty that remain defining qualities of our state and our people.

Now most of us live in relative comfort and plenty - the frontier tamed, the desert abloom, our state and the world seemingly filled with marvels our pioneer forefathers never imagined. But the search for our own identity and way forward continues.

Idaho is a work in progress, and what's past is prologue.

No less today than in 1863 - and in many ways more than ever - WE citizens of Idaho have the opportunity and indeed the obligation to chart a path forward reflecting our independence, our self-reliance and our love of liberty.

We are the products of the "new birth of freedom" that Lincoln proclaimed at Gettysburg.

Today I'd like to talk with you about how we use that freedom to advance our shared goals and values.

That involves thinking about public policy and the proper role of government in terms of the next generation - not just the next election - in order to build a more responsible, sustainable and inclusive future.

We all want an Idaho where government wisely uses the people's resources to provide the public services and infrastructure needed for our citizens' safety, health and security.

We all want an Idaho where government encourages the creation of career opportunities and ensures citizens can prepare for those careers right here at home.

We all want an Idaho where government works fairly and effectively to improve public efficiency, transparency and what the Founders called the "general welfare" of the people.

We all want an Idaho where government promotes and protects equal justice under law while carefully, consistently and fiercely safeguarding individual and private property rights guaranteed by the Constitution.

And as other institutions, states and nations struggle and often fail to find fiscal balance, we all understand that our responsibilities must be met within the people's means.

I hope you share my commitment to ensuring that our State government never grows as fast as our economy and the people's ability to pay for it.

So with that as a starting point, I am submitting a budget recommendation today calling for a 3.1 percent increase in General Fund spending. That reflects slow but steady growth in our economy - an estimated 5.3 percent revenue increase for fiscal year 2014.

It also reflects great uncertainty due to irresponsible federal leadership, and our continuing need for caution and prudence in the collection and expenditure of the people's hard-earned dollars.

But I am pleased to report that I've done as promised and brought you a General Fund budget recommendation that is structurally sound, with no one-time revenue used for ongoing financial obligations.

Like you, my highest priority remains public schools. You will find that my budget recommendation includes increased funding for K-12 education.

However, I do NOT seek to simply revisit issues related to school improvement that were raised in the recent election. Instead, I've asked the State Board of Education to assemble a broad cross-section of stakeholders to study the message voters sent us and identify elements of school improvement on which there is broad agreement.

I'm convinced that acting too quickly or without due deliberation will generate needless distraction from our goals of improving efficiency, effectiveness, transparency and accountability in our education system.

There was no electoral mandate for the changes we proposed on November 6th. But I also heard no clarion call for the status quo.

What I heard was dissatisfaction with the process and a plea for more collaborative leadership. We must respond with appropriate sensitivity and care.

Let me say it again: I am neither calling for nor expecting major school improvement measures this year. But I believe there are areas in which we can make progress, and I encourage you and all citizens to engage in that public discussion. It's our very best chance to strengthen the foundation of our future.

Likewise, it is with our future in mind that my budget recommendation for fiscal 2014 builds on the great work you have already done in starting to refill our rainy day accounts. As you know, we are putting a total of almost \$71 million in the Budget and Public Education stabilization funds by the end of this fiscal year.

For next year I'm calling for that effort to continue as a hedge against national and global economic and fiscal uncertainty.

The Great Recession showed us beyond any doubt the value of maintaining a healthy financial reserve. As much as any other factor, it set Idaho apart from most other states in response to tough times.

We must exercise foresight and frugality while working to sustain and grow our economy. Building up our rainy day funds provides the kind of budget stability that Idaho taxpayers need and expect.

Budget stability and fiscal responsibility also are key parts of our State efforts to promote economic development and job creation. They are essential to enabling existing businesses to grow and new enterprises to make their home here, as well as advancing the kinds of public-private partnerships that will be an increasing part of America's 21st century social dynamic.

Neither government nor business alone can provide all the ingredients necessary for progress. We must leverage our limited resources toward realizing unlimited opportunities together.

That's the idea behind IGE - the Idaho Global Entrepreneurial Mission, which you created last year. You will hear much more about its work as the IGE Council reports to the germane House and Senate committees.

But I can tell you that never before have our three research universities worked together more collaboratively or been more committed to finding common ground and mutual benefit with our business leaders.

Together with the Idaho National Laboratory and the Center for Advanced Energy Studies - and given time and our sustained support - they will nurture a rising tide of economic activity that will lift all our boats.

Meanwhile, Commerce Director Jeff Sayer, Labor Director Roger Madsen and the State Board of Education, our universities and our community colleges are preparing our workforce, encouraging our employers and putting the right policies and programs in place for a more prosperous Idaho.

At North Idaho College, new President Joe Dunlap is using a \$3 million federal grant to create an aerospace center in Coeur d'Alene to meet the workforce demands of a growing industry in the Panhandle. It's a watershed event for the region. Such employers as Empire Aerospace, Tamarack Aerospace and Quest Aircraft are building a critical mass of manufacturing, service and support operations.

Growing a highly skilled northern Idaho workforce will help advance that process.

At the College of Western Idaho, President Bert Glandon is working with the Idaho Technology Council on developing an industry certified software developer program to help address a chronic shortage of qualified workers for the growing technology sector here in the Treasure Valley.

CWI also recently opened an impressive Professional Technical Education center in Nampa to help meet rapidly expanding employer and student needs.

And at the College of Southern Idaho, new and growing businesses like Chobani and Glanbia have President Jerry Beck working to accommodate the workforce needs of the Magic Valley's rapidly expanding value-added industry by building an \$8.5 million Applied Technology and Innovation Center.

I would be remiss today if I failed to extend my gratitude to the J.A. and Kathryn Albertson Foundation for its continued generous financial support of Idaho education.

It most recently granted \$5 million to the University of Idaho and Northwest Nazarene University to establish technology learning and innovation centers for teachers.

That's a godsend for our efforts to improve and expand technology in Idaho classrooms, and I'm confident it will result in development of more educators like Katie Pemberton of Canfield Middle School in Coeur d'Alene.

Many of you know that Katie is our 2013 Idaho Teacher of the Year, and she's earned that recognition in part by making technology a cornerstone of her math classes at Canfield.

Such responsive, forward-looking people and programs are helping lift our statewide economic activity to almost \$58 billion a year. That's up from about \$51.5 billion just a few years ago. And that puts achievement of my Project 60 economic development goal well within reach, and soon.

But \$60 billion a year isn't a finish line; it's only a benchmark.

Let me tell you just how committed many of our Idaho entrepreneurs are to seeing that milestone in the rearview mirror.

Doug Sayer of Premier Technology in Blackfoot recently made a simple but profound change in the way he does business - shifting to Idaho suppliers for a greater share of everything he buys for his company's operations. And he did it without sacrificing quality or profitability.

Now he's challenging other Idaho business leaders to join him in that endeavor.

Doug is working with the Idaho Association of Commerce and Industry and other organizations to spread the word, and I've agreed to help by issuing a challenge of my own to Idaho businesses: Make it a priority to invest here at home. Join Premier Technology and others in devoting a greater percentage of your supply-chain purchases to Idaho vendors.

That step alone can help ensure we're providing Idaho enterprises with every possible chance for success, and creating more Idaho jobs in the process.

This goes well beyond the Buy Idaho organization that's still flourishing more than 25 years after I helped start it. And it's especially gratifying to see a grassroots initiative from our responsible and engaged corporate citizens and employers.

My thanks to them for advancing this proposal, and for working to see that its promise is realized.

There's another investment that Idaho taxpayers are making in job creation.

It's called the Hire One Act, which you approved at my request in 2011.

We'll soon see how many employers took advantage of the income tax credit it provides for creating new jobs as those businesses start filing their 2012 tax returns.

But a number of companies already have told us that the terms and conditions of qualifying for that incentive are too complex and onerous to be the useful tool we'd hoped in economic development.

So I'm bringing you legislation this year to address those concerns and reflect our changing conditions and needs. It simplifies, clarifies and streamlines the law so that our local and state economic development experts can maximize its potential for growing our workforce and our tax base.

In addition, my new Hire One More Employee or HOME Act recognizes the special needs and our special responsibility to veterans - including the brave men and women returning home from the Global War on Terror, whose unemployment rate is much higher than the overall percentage of jobless Americans.

That's a national disgrace, and our State agencies are working together to focus public attention and address the problem through the Hire One Hero program.

My new legislation is intended to provide one more reason for employers to consider veterans, besides their skills, training and work ethic. Beyond a 4 percent income tax credit for each new employee they hire, it also would add \$1,000 to the employer's tax credit for each of those new employees who also are veterans.

Tragically, some of our Idaho heroes don't come home. In 2012, we lost:

Lance Corporal Kenneth Cochran of rural Canyon County

Sergeant Daniel J. Brown of Twin Falls

Specialist Chris Workman of Rupert

Specialist Cody Moosman of Preston

Specialist Ethan Martin of Bonners Ferry, and

Private First Class Shane Wilson of Kuna

And yes, we still await the release from Taliban custody and pray for the homecoming of Bowe Bergdahl. Please join me in honoring the valor and sacrifice of these Idaho war fighters, and in reaffirming our own commitment to protecting and defending the American and Idaho way of life.

For those Idaho veterans now returning to civilian life, even our difficult job market is substantially better than it was a year ago.

Our unemployment rate has fallen more than 20 percent in the past 17 months.

And while growth has been limited, our economy IS recovering from the loss of more than 50,000 jobs during the Great Recession.

One significant sign of recovery is Idaho's first reduction in unemployment insurance rates in several years. It will result in about \$50 million in savings to Idaho employers in 2013 alone.

That will give those businesses more flexibility to invest in capital improvements, expansion, and we hope even more job creation.

Career and economic growth opportunities are also at the heart of the work being done by my Leadership in Nuclear Energy or LINE Commission.

Contrary to what you might see in the news, its work is not about making Idaho the nation's nuclear dumping ground.

Rather, it's focused on assessing our long-term options for securing, enhancing and leveraging work being done at the Idaho National Laboratory and the Center for Advanced Energy Studies.

To do otherwise ignores the existing impact and the enormous untapped potential of those operations and their private-sector spinoffs - not just in eastern Idaho, but throughout our state and the entire region.

I am as committed as ever to enforcing the terms of our 1995 agreement with the federal government to get all nuclear waste out of Idaho by 2035.

But the Yucca Mountain facility in Nevada may never open, leaving fulfillment of the agreement at the mercy of the feds' failure to secure a permanent waste repository. That leaves the matter of preparing for an uncertain future to us.

A 30-day public comment period on the seven key questions raised by the LINE Commission ended last Friday. A final report will be submitted to me by January 31.

Mr. Speaker, Mr. Pro Tem, I encourage you to add hearings on that report to your busy legislative agenda in order to broaden and advance the discussion.

Of course, your agenda already includes discussions on eliminating the personal property tax - which nearly everyone agrees is an unfair drag on our economy.

I believe we now have consensus that accomplishing that should be a priority for this legislative session. The question is how.

As you know, personal property tax receipts are a significant part of how some of our counties pay for public services. Whether the tax is eliminated all at once or phased out over a few years is less important to me than an exit strategy that considers our counties' financial stability.

That isn't necessarily about using State revenues to make counties "whole." In fact, my preference is granting local-option taxing authority that enables county voters to decide for themselves how to address their most pressing needs. However, I also have set aside \$20 million in my budget for easing counties' transition. I look forward to hearing your debate and considering your alternatives.

Like our counties, our State has the right and we certainly have the responsibility to keep as many options as possible open to the people.

That's part of the dynamic behind my recent decision to pursue a state-based health insurance exchange rather than defaulting to total federal control of that process.

Rejecting the opportunity to assert ourselves will result in an unresponsive, one-size-fits-all federal exchange wreaking havoc on some of America's most reasonable costs of coverage.

At its core, this is a matter of state's rights.

You all know how I feel about Obamacare. I will continue encouraging and supporting efforts by our Idaho congressional delegation and many others to repeal and replace the law. But the fact remains that for now and for the foreseeable future it is the law.

And as responsible elected officials we're sworn to uphold the rule of law - not just those laws that we support.

So I urge you to look beyond the important work of changing a misguided federal law to the essential task at hand for those of us in this chamber today - preserving for Idaho citizens the option of having a voice in how one element of that law is implemented.

I soon will be introducing legislation affirming my decision.

My door is open to discussing the challenges and our shared frustrations, and Department of Insurance Director Bill Deal is ready to answer your questions and explain the process. I'm grateful to Bill and the working group that he led on this issue, including Senator John Goedde, Representative John Rusche and Representative Lynn Luker.

The other Obamacare provision I want to address briefly today is Medicaid.

As you know, the U.S. Supreme Court exempted states from the mandate to expand Medicaid eligibility to more low-income adults. But that leaves us with both a question and an opportunity: What will federal Medicaid changes mean for our own Catastrophic Health Care or "Cat" fund, and is there a better way forward for Idaho?

Health and Welfare Director Dick Armstrong led a Medicaid working group I assembled last summer that included Representative Fred Wood, Senator Patti Anne Lodge and Senator Dan Schmidt. They did a great job of analyzing this sensitive issue and developing a thoughtful recommendation.

It sets some specific and significant conditions on expanding coverage for the working poor in Idaho. They include a greater focus on personal accountability and steps for encouraging preventive measures and healthy behaviors.

In addition, the working group called for basing incentives for Medicaid reimbursements not on the number of patients a provider sees but rather on how successfully they keep people healthy.

As you'll hear in a moment, we have some pretty good ideas about that kind of managed care model. But there's a lot more work to do, and we face no immediate federal deadline. We have time to do this right, and there is broad agreement that the existing Medicaid program is broken. So I'm seeking no expansion of those benefits.

Instead, I'm asking Director Armstrong to lead an effort to flesh out a plan for changing Idaho's system with an eye toward the potential costs, savings and economic impact. I hope to return in 2014 with specific proposals based on that work, and I encourage all Idahoans to get involved with this process.

Now, putting aside our federal challenges, I'd like to update you on what the State of Idaho is doing to help achieve our own goal of more affordable, accessible health care for all our citizens.

First, here are some scary numbers: Idaho has the sixth-oldest physician workforce in America, and we rank 49th in the nation for doctors per capita.

That's a formula for trouble unless we step up our efforts to get beyond the 20 medical school seats available for Idaho students each year. It's the same number available to us since 1972, when Idaho's population was less than half the 1.5 million people we have today.

You will find in my budget recommendation two proposals for improvement.

One would fund rural rotation training for each of the 24 participants in the Internal Medicine Residency program at the Boise VA Medical Center. The federal government pays for student costs in other aspects of the program, but not rural rotations.

We know that internal medicine residency graduates are twice as likely to practice primary care if they have a rural training experience.

In fact, a recent national study found that rural training is the only kind of residency program that increases the number of new physicians entering the primary care field.

Besides giving us a better chance of keeping these doctors in Idaho after their residency, the rural training itself provides direct care to more than 25,000 Idaho citizens - including 1,500 Idaho National Guard members who returned from deployment a little over a year ago.

My second budget recommendation calls for funding five additional seats in the WWAMI collaborative medical school program at the University of Washington. Those extra seats would go to students in the Targeted Rural and Under-Served Track or TRUST program, designed to turn more Idaho students into Idaho physicians.

Like the rest of my budget, both these requests deserve your strong support.

Before I leave the topic of health care, let me tell you a little about a program for which there is no General Fund request but which could have a major impact on how we administer Medicaid in the years to come. It's called the Idaho Medical Home Collaborative, and it was established by my executive order in September 2010 to implement a patient-centered model of care.

That involves improving accountability by building personal relationships between medical home physicians and their patients - a new approach to the old-fashioned idea of making health care decisions a more personal process.

Starting this month, 23 organizations will participate in a pilot program involving 290,000 patients. It will test medical home theory in urban and rural areas and in medical practices large and small.

All three of Idaho's private health insurers are participating, as well as Medicaid. I look forward to watching the progress of our Medical Home Collaborative in improving care and holding down costs for Idaho patients.

There is another population of Idahoans for whom "care" is a matter of public safety.

We all saw just a few weeks ago the terrible impact on a community and a nation when mental illness leads to tragedy.

Cost is just one of the enormous barriers to effectively addressing the challenges of protecting the public from those whose illness leads them to commit unspeakable acts. Those challenges deserve our earnest discussion. But we also must act where and how we can to reduce the risk.

More than a quarter of the inmates in our State prison system have some level of mental illness.

Many can be housed safely within appropriate settings in our existing facilities. But others need higher levels of care, more treatment and more intensive intervention for their own

safety and that of others. That's why I support the Department of Correction's request for permission to issue \$70 million in bonds for a 579-bed secure mental health facility at the prison complex south of Boise.

Correction Director Reinke has discussed this proposal with some of you. Now he stands ready to make his case for reauthorizing the previous request you approved - which would have built a smaller facility at the same cost.

No one likes spending money on prisons or inmates. But public safety is increasingly compromised by our inability to provide secure housing and appropriate treatment for mentally ill offenders.

So I appreciate your careful and considered attention to helping us avoid more costly measures being imposed by federal courts.

We're all painfully aware of the damage that federal court rulings can do to our traditional industries and our Idaho lifestyle. We need look no further than the Endangered Species Act to see the essential conflict between federal and state priorities - especially when it comes to our natural resources.

Even putting aside wolves and grizzly bears, there's no doubt that the threat of federal edicts on sage-grouse, slickspot peppergrass, woodland caribou and other species have a profound impact not only on public policy here in Idaho but also on how our farmers, ranchers and others can pursue their livelihoods.

We are working proactively to avoid worst-case scenarios and to assert our rights as a state.

However, this past year we reaped the whirlwind sown by federal neglect and mismanagement of our public lands.

Wildfire suppression costs alone approached a quarter-billion dollars - not counting huge impacts on the environment, public health, property, and the unrealized benefits of healthy, actively managed forests and rangeland.

Then there was Anne Veseth, a 20-year-old Lewis-Clark State College student from Moscow.

Ann was killed in August while working as a seasonal firefighter for the U.S. Forest Service in Clearwater County.

We owe her and thousands like her a fighting chance while protecting our forests and rangelands. That's why my budget includes a \$400,000 request to help create four more volunteer fire protection associations like the one formed by Mountain Home-area ranchers last summer.

Nonprofit groups like theirs can assist the BLM, Idaho Department of Lands and rural fire districts in fighting and maybe even preventing catastrophic wildfires on the nearly two-thirds of Idaho land "managed" by the federal government.

Another example of our Idaho preference for actively managing our precious natural resources is the newly revised State Water Plan being submitted for your approval this session.

It's the first update since 1996, and it reflects use of the latest technology in better evaluating our needs and the status of our water supplies.

Just as importantly, for the first time the plan is about more than our goals - it also includes strategies and milestones for executing our management policies and evaluating their effectiveness.

It goes to the very heart of the data-driven policy making I've been promoting throughout my administration.

My thanks to Water Resources Director Gary Spackman and members of the Water Resource Board, the water-user community and the public at large for participating in this important work. It will help guide how we use, protect and replenish our water supplies for a more sustainable future.

Of course, our best chance for sustaining our Idaho way of life is an engaged public.

During the past year I've conducted Capitol for a Day in communities throughout Idaho, from Nordman to Victor and Ashton to Fruitland. I've met with hundreds of individual citizens of every age, education, occupation and political view - including many legislators, and I thank you for participating in those open community forums.

What all of the people I've met at Capitol for a Day have in common - and what they share with those of us in this chamber - are civic virtue and a deep commitment to retaining and building on what is great about Idaho.

That greatness plays out not only in what makes the headlines or the evening news, and certainly not only in what we do here, but more fundamentally in what our people do in their own lives and communities.

I was proud to note that Idaho recently was ranked as second only to our neighbor Utah for the rate at which our citizens volunteer to uplift and improve the lives of others. More than a third of us gave of ourselves in 2011, and we as a state contributed an estimated \$1.4 billion worth of service.

I'm confident that level of personal philanthropy continued and even grew in 2012, and that we'll keep paying it forward in 2013 and beyond - because volunteering and taking care of our own is in our DNA. It's who we are. It's who you are, and I'm proud to join you in pressing ahead toward an ever-brighter and more hopeful future for us all.

Thank you for your time and attention. I wish you all the best in your work here, and may God continue to bless Idaho and the United States of America.

The Speaker thanked Governor Otter for his message.

The committees came forward and escorted the Governor, the Supreme Court Justices, Appellate Court Judges, and the elected officials to their chambers and offices respectively, and were, on their return, thanked and discharged by the Speaker.

On motion by Representative Moyle, seconded by Representative Rusche, by voice vote the State of the State and Budget Address was ordered spread upon the pages of the House and Senate Journals.

On motion by Representative Moyle, seconded by Representative Rusche, by voice vote the Joint Session was dissolved.

The appointed committee came forward and escorted the Senators from the House Chamber.

The members of the Senate returned to the Senate Chamber.

The Senate reconvened at 2 p.m., pursuant to recess, President Little presiding.

Prior to recess the Senate was at the Twelfth Order of Business, Second Reading of Bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Werk, by voice vote, the Senate adjourned at 2:05 p.m. until the hour of 11:30 a.m., Tuesday, January 8, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**SECOND LEGISLATIVE DAY
TUESDAY, JANUARY 8, 2013**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde, Nonini, and Patrick, absent and formally excused by the Chair; and Senators Mortimer, and Pearce, absent and excused.

Prayer was offered by Chaplain James R. Wibberding.

The Pledge of Allegiance was led by Ivy Christophers, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journals of the proceedings of December 6, 2012, and January 7, 2013, were read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 7, 2013

NOVAK, Secretary
Secretary of the Senate
Idaho State Legislature

Dear Madam Secretary:

As required by Section 57-1601, *Idaho Code*, I am transmitting the following report of the Governor's Emergency Fund for fiscal years 2012 and 2013.

Balance as of July 1, 2011 \$83,744.48

No activity in fiscal year 2012

Balance as of June 30, 2012 \$83,744.48

No activity year-to-date in
fiscal year 2013

Balance as of December 31, 2012 \$83,744.48

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

Senator Pearce was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Wednesday, January 9, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

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**THIRD LEGISLATIVE DAY
WEDNESDAY, JANUARY 9, 2013**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Patrick, absent and formally excused by the Chair.

Prayer was offered by Chaplain James R. Wibberding.

The Pledge of Allegiance was led by Taylor Davis, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 8, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Moved by Senator Davis, seconded by Senator Stennett that the following attaches be elected to fill the offices provided for by Idaho Code and Senate Rule 7(c).

Assistant to Majority Leader	Marian Smith
Assistant to Assistant Majority Leader	Lizzie Kukla
Secretary to the Secretary of the Senate	Jan Snell
Journal Clerk	Sarah Hendrick
Minority Chief of Staff	Diane Kelly
Minority Staff Assistant	Caitlin Lister
Minority Staff Assistant	Jesse Holmes
Minority Staff Assistant	Lindsey Peterson
Doorkeeper	Al Henderson
Sergeant at Arms	Sarah Jane McDonald
Assistant Sergeant at Arms	Jerry Csutoras

Majority Staff Assistants:

Minutes Editor	Lauren Stevens
Secretary	Carol Deis
Secretary	Todd Czaplicki

Secretary	Danya Dickerson
Secretary	Kara Machado

Committee Secretaries:

Agricultural Affairs	Denise McNeil
Commerce & Human Resources	Linda Kambeitz
Education	Elaine Leedy
Finance	Peggy Moyer
Health & Welfare	Linda Hamlet
Judiciary & Rules	Leigh Hinds
Local Government & Taxation	Christy Stansell
Resources & Environment	Juanita Budell
State Affairs	Twyla Melton
Transportation	Gaye Bennett
Senate Chaplain	James R. Wibberding

Pages:

Ivy Christophers, Pocatello
Taylor Davis, Nampa
Emma Fredericksen, Gooding
Jessica Kennedy, Lewisville
Mattison McDaniel, Boise
Brooks Nielson, Boise
Austin Petellin, Dalton Gardens
Michael Swanson, Rigby
Chace Tolman, Bancroft
Megan Whitlock, Meridian

Roll call resulted as follows:

AYES—Bair, Bayer, Bock, Brackett, Buckner-Webb, Cameron, Davis, Durst, Fulcher, Goedde, Guthrie, Hagedorn, Heider, Hill, Johnson, Keough, Lacey, Lakey, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Stennett, Thayne, Tippets, Vick, Werk, Winder.
Total - 34.

NAYS—None.

Absent and excused—Patrick. Total - 1.

Total - 35.

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Thursday, January 10, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

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**FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 10, 2013**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain James R. Wibberding.

The Pledge of Allegiance was led by Emma Fredericksen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 9, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

January 9, 2013

The Honorable Brad Little
President of the Senate
Idaho State Senate

Dear Mr. President:

Pursuant to Section 67-6622, Idaho Code, I submit from the records of this office the enclosed listing of the most recent names of the lobbyists registered under the law.

If we may be of assistance to you in regards to this listing, please do not hesitate to contact this office.

Sincerely,
/s/ Ben Ysursa
Secretary of State

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 9, 2013

Dear Mr. President:

I transmit herewith Enrolled [HCR 1](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 1](#) and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Friday, January 11, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

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**FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 11, 2013**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde, Lacey, and Nonini, absent and formally excused by the Chair; and President Pro Tempore Hill, absent and excused.

Prayer was offered by Senator Todd Lakey.

The Pledge of Allegiance was led by Jessica Kennedy, Page.

The Senate advanced to the Third Order of Business.

President Pro Tempore Hill was recorded present at this order of business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 10, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 10, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Leland G. Heinrich of Cascade, Idaho, was appointed as a member of the Board of Tax Appeals to serve a term commencing September 27, 2012, and expiring June 30, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Local Government and Taxation Committee.

January 10, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Lisa Growette Bostaph of Boise, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing June 21, 2012, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

January 10, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mike H. Matthews of Declo, Idaho, was reappointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2013, and expiring January 1, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Judiciary and Rules Committee.

January 10, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Anna Jane "Janie" Dressen of Coeur d'Alene, Idaho, was reappointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2013, and expiring January 1, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Judiciary and Rules Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Monday, January 14, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

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**EIGHTH LEGISLATIVE DAY
MONDAY, JANUARY 14, 2013**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Stennett, absent and formally excused by the Chair.

Prayer was offered by Senator Jim Rice.

The Pledge of Allegiance was led by Mattison McDaniel, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 11, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 11, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Brandon D. Woolf of Boise, Idaho, was appointed to complete the unfinished term of Controller Donna Jones to serve a term commencing October 15, 2012, and expiring December 31, 2014.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 11, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Joan Veronica Hurlock of Buhl, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing July 1, 2012, and expiring June 30, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 11, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William M. Naillon of Challis, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing July 1, 2012, and expiring June 30, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Werk, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Tuesday, January 15, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

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NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 15, 2013

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Lodge and Pearce, absent and excused.

Prayer was offered by Senator Brandon Durst.

The Pledge of Allegiance was led by Brooks Nielson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 14, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJR 101 BY DURST

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO SESSIONS OF THE LEGISLATURE; TO PROVIDE THAT DURING EACH ODD-NUMBERED YEAR, THE REGULAR SESSION OF THE LEGISLATURE SHALL NOT BE MORE THAN ONE HUNDRED FIFTY CONSECUTIVE DAYS AND DURING EACH EVEN-NUMBERED YEAR, THE REGULAR SESSION OF THE LEGISLATURE SHALL NOT BE MORE THAN SIXTY CONSECUTIVE DAYS AND TO PROVIDE THAT THE LEGISLATURE MAY ENACT LAW EXTENDING REGULAR SESSIONS OF THE LEGISLATURE BEYOND SUCH LENGTHS OF TIME; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

[SJR 101](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1001

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISEASE RESEARCH, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION.

S 1002

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO EXEMPT SPECIFIED CLASSES OF LICENSES FROM REQUIREMENTS RELATING TO THE DEPOSIT OF CERTAIN PROCEEDS FROM THE SALE OF THE LICENSES INTO THE FISH AND GAME SET-ASIDE ACCOUNT AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 36-404, IDAHO CODE, TO PROVIDE FOR CLASS NINE LICENSES AND TO PROVIDE FOR THE REPLACEMENT OF LOST OR MUTILATED PERMITS; AND AMENDING SECTION 36-406, IDAHO CODE, TO PROVIDE THAT TRAPPING LICENSES SHALL ENTITLE THE PURCHASER TO TRAP WOLVES, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

S 1003

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-404, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CLASS 2 LICENSES, TO PROVIDE THAT CERTAIN PERSONS WITH A CLASS 2 LICENSE SHALL NOT HUNT BIG GAME AND SHALL BE ACCOMPANIED IN THE FIELD BY AN ADULT LICENSED TO HUNT IN IDAHO, TO REMOVE PROVISIONS RELATING TO YOUTH SMALL GAME LICENSES AND YOUTH HUNTER EDUCATION GRADUATE LICENSES AND TO PROVIDE THAT DISABLED HUNTING LICENSES ARE CLASS 6 LICENSES; AMENDING SECTION 36-406, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE THAT A TRAPPING LICENSE SHALL ENTITLE THE PURCHASER TO TRAP WOLVES, TO REMOVE PROVISIONS RELATING TO YOUTH SMALL GAME LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 36-407, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN NONRESIDENT LICENSES, TO PROVIDE THAT NONRESIDENT TRAPPING LICENSES SHALL ENTITLE A PERSON TO TRAP WOLVES, TO PROVIDE THAT NONRESIDENT COMBINATION LICENSES SHALL ENTITLE PERSONS TO PURCHASE CERTAIN GAME TAGS, TO PROHIBIT CERTAIN PURCHASERS OF NONRESIDENT JUNIOR MENTORED HUNTING LICENSES FROM HUNTING BIG GAME, TO REMOVE PROVISIONS RELATING TO NONRESIDENT YOUTH SMALL GAME LICENSES AND TO REMOVE PROVISIONS RELATING TO YOUTH HUNTER EDUCATION GRADUATE LICENSES; AND AMENDING SECTION 36-416, IDAHO CODE, TO REMOVE LICENSE FEE PROVISIONS FOR

YOUTH SMALL GAME LICENSES AND YOUTH HUNTER EDUCATION GRADUATE HUNTING LICENSES, TO REMOVE A FEE FOR NONRESIDENT DISABLED COMBINATION LICENSES, TO PROVIDE A FEE FOR NONRESIDENT DISABLED HUNTING LICENSES AND TO REVISE TERMINOLOGY RELATING TO DISABLED HUNTING LICENSES.

S 1004

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-406, IDAHO CODE, TO PROVIDE FOR SPECIFIED RESIDENT THREE YEAR LICENSES, TO PROVIDE FOR FEES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE FOR SPECIFIED NONRESIDENT THREE YEAR LICENSES AND TO PROVIDE FOR FEES.

S 1005

BY DURST

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1624A, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO ADMINISTRATIVE RULES AND ONLINE COURSES.

[S 1001](#), [S 1002](#), [S 1003](#), [S 1004](#), and [S 1005](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senators Pearce and Lodge were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Wednesday, January 16, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 16, 2013

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present.

Prayer was offered by Senator Sheryl Nuxoll.

The Pledge of Allegiance was led by Austin Petellin, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 15, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 16, 2013

The JUDICIARY AND RULES Committee reports that [S 1001](#), [S 1002](#), [S 1003](#), [S 1004](#), [S 1005](#), and [SJR 101](#) have been correctly printed.

LODGE, Chairman

[S 1001](#), [S 1002](#), [S 1003](#), and [S 1004](#) were referred to the Resources and Environment Committee.

[S 1005](#) was referred to the Education Committee.

[SJR 101](#) was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William Craig Corbett of Grace, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing April 17, 2012, and expiring January 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Thomas E. Limbaugh of Fruitland, Idaho, was reappointed as a member of the Idaho Industrial Commission to serve a term commencing January 14, 2013, and expiring January 14, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Commerce and Human Resources Committee.

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jani Lynn Revier of Meridian, Idaho, was appointed Administrator of the Division of Financial Management to serve a term commencing January 2, 2013, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kevin Settles of Boise, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing January 7, 2013, and expiring July 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Albert Stevenson of Rupert, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2013, and expiring January 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mack A. Redford of Boise, Idaho, was reappointed as a member of the Public Utilities Commission to serve a term commencing January 9, 2013, and expiring January 9, 2019.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the State Affairs Committee.

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Randolph J. Hill of Eagle, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing January 3, 2013, and expiring June 30, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 15, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Diana M. Bishop of Orofino, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing December 6, 2012, and expiring July 1, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1006

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO THE IDAHO TRANSPORTATION BOARD;
AMENDING SECTION 40-310, IDAHO CODE, TO PROVIDE
THAT ABANDONMENT SHALL PROCEED PURSUANT
TO LAW AND TO REMOVE LANGUAGE RELATING TO
CERTAIN POWERS AND DUTIES OF THE BOARD AS
THEY RELATE TO A BOARD DECISION TO ABANDON,
RELOCATE OR REPLACE CERTAIN HIGHWAYS.

S 1007**BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE A TERM, TO REMOVE A REFERENCE TO IDAHO AND TO ADD LANGUAGE RELATING TO STAGGERED REGISTRATION; AMENDING SECTION 49-402A, IDAHO CODE, TO ADD LANGUAGE RELATING TO STAGGERED REGISTRATION; AMENDING SECTION 49-434, IDAHO CODE, TO ADD LANGUAGE RELATING TO STAGGERED REGISTRATION; AND PROVIDING AN EFFECTIVE DATE.

S 1008**BY TRANSPORTATION COMMITTEE****AN ACT**

RELATING TO THE ISSUANCE OF SALVAGE CERTIFICATES OF TITLE; AMENDING SECTION 49-524, IDAHO CODE, TO REMOVE THE REQUIREMENT TO ISSUE SALVAGE CERTIFICATES FROM INSURANCE COMPANIES AND SALVAGE POOLS, TO PROVIDE FOR THE SUBMISSION OF APPLICATIONS FOR SALVAGE CERTIFICATES BY INSURANCE COMPANIES AND SALVAGE POOLS, TO PROVIDE FOR THE ISSUANCE OF SALVAGE CERTIFICATES BY THE DEPARTMENT, TO PROVIDE FOR THE NOTATION "THEFT RECOVERY" TO APPEAR ON CERTIFICATES OF TITLE IN ADDITION TO THE TITLE RECORD WHEN AN INSURER HAS ACQUIRED A VEHICLE IN A SETTLEMENT OF A THEFT CLAIM AND, UPON RECOVERY, THE VEHICLE IS NOT A SALVAGE VEHICLE AND TO MAKE TECHNICAL CORRECTIONS.

S 1009**BY LOCAL GOVERNMENT AND TAXATION COMMITTEE****AN ACT**

RELATING TO APPEALS FROM THE COUNTY BOARD OF EQUALIZATION; AMENDING SECTION 63-511, IDAHO CODE, TO REVISE THE DEADLINE FOR THE SUBMITTAL OF APPEALS TO THE BOARD OF TAX APPEALS FROM THE COUNTY BOARD OF EQUALIZATION.

S 1010**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO MEDICAL ASSISTANCE SERVICES; AMENDING SECTION 56-255, IDAHO CODE, TO REVISE PROVISIONS OF BEHAVIORAL HEALTH SERVICES FOR MEDICAID PARTICIPANTS.

S 1011**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO NOTIFICATION OF IMMUNIZATION; AMENDING SECTION 39-4804, IDAHO CODE, TO CLARIFY TERMINOLOGY REGARDING REMOVAL OF INFORMATION FROM THE IMMUNIZATION REGISTRY.

S 1012**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO IMMUNIZATION REGISTRY; AMENDING SECTION 39-4803, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE FOR BOTH ADULTS AND CHILDREN IN THE IMMUNIZATION REGISTRY,

TO PROVIDE FOR A HEALTH DATA EXCHANGE IN DISCLOSURE OF INFORMATION, TO REVISE A PROVISION RELATING TO REMOVAL OF INFORMATION FROM THE REGISTRY AND TO REVISE A PROVISION RELATING TO DISCLOSURE OF CONFIDENTIAL INFORMATION.

S 1013**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO TELECOMMUNICATIONS SERVICE ASSISTANCE; AMENDING SECTION 56-901, IDAHO CODE, TO REMOVE REFERENCE TO LINK-UP CONTRIBUTIONS; AND AMENDING SECTION 56-902, IDAHO CODE, TO REMOVE REFERENCE TO LINK-UP CONTRIBUTIONS.

S 1014**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO FEES AND TAXES; AMENDING SECTION 41-406, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT A SPECIFIC PERCENTAGE OF FUNDS BE ALLOCATED TO SPECIFIC PROGRAMS; AND PROVIDING A SUNSET DATE.

S 1015**BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO PUTATIVE FATHERS; AMENDING SECTION 7-1107, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO REVISE PROVISIONS RELATING TO A PROCEEDING TO ESTABLISH PATERNITY OF A CHILD; AMENDING SECTION 7-1115, IDAHO CODE, TO PROVIDE FOR EVIDENCE THAT IS INADMISSIBLE IN A PROCEEDING TO ESTABLISH PATERNITY; AMENDING SECTION 16-1504, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO THE RIGHTS OF PUTATIVE FATHERS WHOSE CHILDREN HAVE BEEN PLACED WITH ADOPTIVE PARENTS, TO REVISE PROVISIONS RELATING TO PUTATIVE FATHERS WHO DO NOT COMPLY WITH THE PROCEDURES FOR ESTABLISHING PARENTAL RIGHTS, TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER MUST FILE A PROCEEDING TO ESTABLISH PATERNITY PRIOR TO THE DATE OF FILING OF A PROCEEDING TO TERMINATE RIGHTS OF THE BIRTH MOTHER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1513, IDAHO CODE, TO PROVIDE THAT REGISTRATION OF NOTICE OF FILING OF PROCEEDINGS COMMENCES ESTABLISHMENT OF PATERNITY, TO PROVIDE CODE REFERENCES, TO PROVIDE THAT NOTICE TO A PUTATIVE FATHER OF PROCEEDINGS FOR ADOPTION CONSTITUTES IMPLIED CONSENT, TO PROVIDE FOR REVOCATION OF NOTICE OF INTENT TO CLAIM PATERNITY, TO PROVIDE FOR REMOVAL OF A PUTATIVE FATHER FROM THE PUTATIVE FATHER REGISTRY, TO PROVIDE FOR FEES TO COVER COSTS, TO REVISE TERMINOLOGY, TO PROVIDE FOR PAMPHLETS AND PUBLIC NOTICE REGARDING THE PUTATIVE FATHER REGISTRY, TO PROVIDE A PENALTY FOR FALSELY REGISTERING AS A PUTATIVE FATHER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-2007, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO PROVIDE FOR FATHERS WHO HAVE FAILED TO TIMELY FILE NOTICE OF FILING

OF PROCEEDINGS; AND AMENDING SECTION 16-2008, IDAHO CODE, TO PROVIDE A CODE REFERENCE, TO PROVIDE FOR FATHERS WHO HAVE FAILED TO TIMELY FILE NOTICE OF FILING OF PROCEEDINGS AND TO MAKE TECHNICAL CORRECTIONS.

[S 1006](#), [S 1007](#), [S 1008](#), [S 1009](#), [S 1010](#), [S 1011](#), [S 1012](#), [S 1013](#), [S 1014](#), and [S 1015](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Thursday, January 17, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 17, 2013**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Cameron and Pearce, absent and excused.

Prayer was offered by Senator Curt McKenzie.

The Pledge of Allegiance was led by Michael Swanson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 16, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 17, 2013

The JUDICIARY AND RULES Committee reports that [S 1006](#), [S 1007](#), [S 1008](#), [S 1009](#), [S 1010](#), [S 1011](#), [S 1012](#), [S 1013](#), [S 1014](#), and [S 1015](#) have been correctly printed.

LODGE, Chairman

[S 1006](#), [S 1007](#), and [S 1008](#) were referred to the Transportation Committee.

[S 1009](#) was referred to the Local Government and Taxation Committee.

[S 1010](#), [S 1011](#), [S 1012](#), [S 1013](#), and [S 1015](#) were referred to the Health and Welfare Committee.

[S 1014](#) was referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 16, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I am hereby transmitting to the Idaho State Senate a list of all gubernatorial appointments that had not been previously communicated pursuant to title 67, section 803 of the Idaho Code.

I am also transmitting a second list identifying the appointments that require senate confirmation for your convenience ("Senate Confirmation for 2013").

Additional appointments made during this session will be submitted forthwith with the appropriate corresponding information for your consideration. Please do not hesitate to contact me if you have any questions.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

Senator Pearce was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1016

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO PRODUCER LICENSING; AMENDING SECTION 41-1039, IDAHO CODE, TO REMOVE LANGUAGE PROVIDING THAT A BAIL AGENT'S LICENSE FILED WITH THE CLERK OF THE DISTRICT COURT IS DEEMED PROOF THAT SUCH BAIL AGENT IS LICENSED; AND AMENDING SECTION 19-2918, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

S 1017

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO PROCEEDINGS IN MAGISTRATE'S DIVISION; REPEALING SECTION 19-3939, IDAHO CODE, RELATING TO THE UNDERTAKING FOR APPEARANCE OF WITNESSES; REPEALING SECTION 19-3940, IDAHO CODE, RELATING TO THE TRANSMISSION OF PAPERS; REPEALING SECTION 19-3941, IDAHO CODE, RELATING TO BAIL PENDING APPEAL; REPEALING SECTION 19-3942, IDAHO CODE, RELATING TO TRIAL ON APPEAL; REPEALING SECTION 19-3943, IDAHO CODE, RELATING TO COSTS TO ABIDE EVENT; AND REPEALING SECTION 19-3944, IDAHO CODE, RELATING TO JUDGMENT AGAINST SURETIES FOR COSTS.

S 1018**BY JUDICIARY AND RULES COMMITTEE**

AN ACT

RELATING TO JURY SELECTION AND SERVICE; AMENDING SECTION 2-208, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE PROVISIONS RELATING TO CONTEMPT PROCEEDINGS FOR A PROSPECTIVE JUROR WHO FAILS TO APPEAR PURSUANT TO COURT ORDER.

S 1019**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1401, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CRIMINAL HISTORY CHECKS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 54-1413, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINARY ACTION AND TO MAKE A TECHNICAL CORRECTION.

S 1020**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1404, IDAHO CODE, TO INCREASE A CERTAIN FINE MAXIMUM, TO REVISE PROVISIONS RELATING TO THE VIOLATIONS FOR WHICH SUCH FINE MAY BE ASSESSED, TO CORRECT A CODIFIER'S ERROR AND TO MAKE TECHNICAL CORRECTIONS.

S 1021**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO NURSES; AMENDING SECTION 54-1413, IDAHO CODE, TO GRANT THE EXECUTIVE DIRECTOR OF THE BOARD OF NURSING CERTAIN AUTHORITY AND TO MAKE A TECHNICAL CORRECTION.

S 1022**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO MANDATORY INCOME WITHHOLDING FOR CHILD SUPPORT; AMENDING SECTION 32-1206, IDAHO CODE, TO PROVIDE THAT INCOME WITHHOLDING ORDERS USE A CERTAIN FORM AND TO PROVIDE THAT INCOME WITHHOLDING PAYMENTS BY EMPLOYERS BE REMITTED TO THE DEPARTMENT OF HEALTH AND WELFARE; AND AMENDING SECTION 32-1210, IDAHO CODE, TO PROVIDE THAT INCOME WITHHOLDING PAYMENTS BY EMPLOYERS BE REMITTED TO THE DEPARTMENT OF HEALTH AND WELFARE.

S 1023**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO BEHAVIORAL HEALTH SERVICES; AMENDING THE HEADING FOR CHAPTER 31, TITLE 39, IDAHO CODE; REPEALING SECTION 39-3123, IDAHO CODE, RELATING TO DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3122, IDAHO CODE, TO PROVIDE DECLARATION OF POLICY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3123, IDAHO

CODE, TO PROVIDE DEFINITIONS; AMENDING SECTION 39-3124, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR STATE SUBSTANCE USE DISORDER AUTHORITY; AMENDING SECTION 39-3125, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO DUTIES AND APPOINTMENT OF THE STATE BEHAVIORAL HEALTH PLANNING COUNCIL; AMENDING SECTION 39-3126, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-3127, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 39-3128, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE BEHAVIORAL HEALTH SERVICES TO BE OFFERED; AMENDING SECTION 39-3129, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3130, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF REGIONAL BEHAVIORAL HEALTH BOARDS; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3131, IDAHO CODE, TO PROVIDE FOR AN EXECUTIVE COMMITTEE OF THE REGIONAL BEHAVIORAL HEALTH BOARDS; AMENDING SECTION 39-3130, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR MEMBERS, TERMS AND APPOINTMENTS FOR THE REGIONAL BEHAVIORAL HEALTH BOARDS; REPEALING SECTION 39-3131, IDAHO CODE, RELATING TO TERMS, VACANCIES AND COMPENSATION; AMENDING SECTION 39-3132, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO POWERS AND DUTIES OF THE HEALTH BOARDS; AMENDING SECTION 39-3133, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY AND TO PROVIDE FOR A DIVISION ADMINISTRATOR FOR EACH REGIONAL BEHAVIORAL HEALTH CENTER; AMENDING SECTION 39-3134, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; REPEALING SECTION 39-3134A, IDAHO CODE, RELATING TO COOPERATIVE SERVICE PLAN COMPONENT; AMENDING SECTION 39-3135, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3136, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3137, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3138, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-3139, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE TERMINOLOGY; AND AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3141, IDAHO CODE, TO PROVIDE FOR RULEMAKING AUTHORITY.

[S 1016](#), [S 1017](#), [S 1018](#), [S 1019](#), [S 1020](#), [S 1021](#), [S 1022](#), and [S 1023](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Friday, January 18, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

TWELFTH LEGISLATIVE DAY
FRIDAY, JANUARY 18, 2013

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Buckner-Webb, absent and formally excused by the Chair.

Prayer was offered by Senator Steve Bair.

The Pledge of Allegiance was led by Chace Tolman, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 17, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 101 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
RECOGNIZING POWER COUNTY ON ITS 100TH
ANNIVERSARY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Power County is a county in southeastern Idaho that was given the name because of its hydroelectric development; and

WHEREAS, the county seat of Power County is American Falls, the first settlement in the county; and

WHEREAS, the American Falls Dam was completed in 1927 and created a 56,200 acre reservoir providing irrigation and recreation water; and

WHEREAS, the first settlers to Power County were cattle and sheep ranchers, and Mormon pioneers and German-Russian immigrants homesteaded the land; and

WHEREAS, crops produced in Power County include wheat, barley, corn, sugar beets, oilseeds and Idaho's world famous potatoes; and

WHEREAS, Power County is now the crossroads for the western transmission corridor, the north-south gas, oil and natural gas pipeline and holds the Union Pacific Railroad's mainline to the west coast; and

WHEREAS, Power County is home to the ConAgra Foods potato processing plant, the J.R. Simplot Company fertilizer plant as well as Idaho Power's electrical generation facility; and

WHEREAS, Power County is situated in the heart of the Snake River Plain and offers some of the best trout fishing in Idaho; and

WHEREAS, Power County is well known for its seasonal duck and goose hunting; and

WHEREAS, January 30, 2013, is the 100th anniversary of the founding of Power County by the Idaho Legislature, and February 17, 2013, is the 100th anniversary of the first meeting of Power County commissioners.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the Senate and the House of Representatives concurring therein, that the rich history and achievements of Power County be recognized in this year of its 100th anniversary.

SCR 101 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 18, 2013

The JUDICIARY AND RULES Committee reports that **S 1016**, **S 1017**, **S 1018**, **S 1019**, **S 1020**, **S 1021**, **S 1022**, and **S 1023** have been correctly printed.

LODGE, Chairman

S 1016, **S 1017**, **S 1018**, and **S 1022** were referred to the Judiciary and Rules Committee.

S 1019, **S 1020**, and **S 1021** were referred to the Commerce and Human Resources Committee.

S 1023 was referred to the Health and Welfare Committee.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 17, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Allan R. Schneider of Emmett, Idaho, was reappointed as a member of the Commission for the Blind & Visually Impaired to serve a term commencing July 1, 2012, and expiring July 1, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Health and Welfare Committee.

January 17, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Vince Alberdi of Kimberly, Idaho, was reappointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2013, and expiring January 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

January 17, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Albert P. Barker of Boise, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2013, and expiring January 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 17, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary L. Mahn of Boise, Idaho, was appointed as a member of the Idaho Endowment Fund Investment Board to serve a term commencing November 28, 2012, and expiring April 11, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 17, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that David A. McClusky of Twin Falls, Idaho, was appointed as a member of the State Board of Correction to serve a term commencing January 2, 2013, and expiring January 1, 2019.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 17, 2013

Dear Mr. President:

I transmit herewith [H 1](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 1](#) was filed for first reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1024

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO SHEEP AND GOATS; AMENDING SECTION 25-127, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE MEMBERSHIP OF THE IDAHO SHEEP AND GOAT HEALTH BOARD AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 25-131, IDAHO CODE, TO PROVIDE THAT THE STATE OF IDAHO MAY AUDIT THE FUNDS OF THE BOARD AT ANY TIME.

[S 1024](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 1](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Monday, January 21, 2013.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 21, 2013

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Tuesday, January 22, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Winder, absent and formally excused by the Chair; and Senator Schmidt, absent and excused.

Prayer was offered by Chaplain James R. Wibberding.

The Pledge of Allegiance was led by Megan Whitlock, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 18, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Schmidt was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 21, 2013

The JUDICIARY AND RULES Committee reports that [S 1024](#) and [SCR 101](#) have been correctly printed.

LODGE, Chairman

[S 1024](#) was referred to the Agricultural Affairs Committee.

[SCR 101](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 22, 2013**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:30 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain James R. Wibberding.

The Pledge of Allegiance was led by Ivy Christophers, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 21, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 21, 2013

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Brandon D. Woolf as the Idaho State Controller, term to expire December 31, 2014.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 21, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Britt Raubenheimer of Sandpoint, Idaho, was reappointed as a member of the Commission for the Blind & Visually Impaired to serve a term commencing July 1, 2012, and expiring July 1, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Health and Welfare Committee.

January 21, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sue A. Payne of Boise, Idaho, was appointed as a member of the Commission for the Blind & Visually Impaired to serve a term commencing September 20, 2012, and expiring July 1, 2015.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 21, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Melville W. Fisher II of Garden City, Idaho, was reappointed as a member of the Idaho Lottery Commission to serve a term commencing January 1, 2013, and expiring January 1, 2018.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the State Affairs Committee.

January 21, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Louise D. Stark of Challis, Idaho, was reappointed as a member of the Outfitters and Guides Licensing Board to serve a term commencing April 20, 2012, and expiring April 20, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

January 21, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that H. Norman Wright of American Falls, Idaho, was reappointed as a member of the State Soil and Water Conservation Commission to serve a term commencing July 1, 2012, and expiring July 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Agricultural Affairs Committee.

January 21, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Eric R. Anderson of Priest Lake, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing June 21, 2012, and expiring June 30, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that [SCR 101](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Guthrie, seconded by Senator Werk, [SCR 101](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1025

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 23-1327, IDAHO CODE, TO REVISE THE SIZE OF A CONTAINER OF WINE A DISTRIBUTOR OR IMPORTER IS ALLOWED TO PURCHASE, RECEIVE OR SELL.

S 1026

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO INITIATIVE AND REFERENDUM ELECTIONS; AMENDING SECTION 34-1801A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE FORM OF CERTAIN PETITIONS; AMENDING SECTION 34-1804, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SIGNATURE SHEETS; AMENDING SECTION 34-1805, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE NUMBER OF SIGNATURES REQUIRED ON CERTAIN PETITIONS; AND AMENDING SECTION 34-1807, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN PETITIONS AND SIGNATURE SHEETS AND TO MAKE A TECHNICAL CORRECTION.

S 1027

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION SCHOLARSHIPS; REPEALING SECTION 33-3722, IDAHO CODE, RELATING TO THE STUDENT EDUCATION INCENTIVE LOAN FORGIVENESS CONTRACT; AMENDING SECTION 33-4301, IDAHO CODE, TO REVISE THE SHORT TITLE; AMENDING SECTION 33-4302, IDAHO CODE, TO ESTABLISH THE ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIP PROGRAM, TO REVISE PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR THE ARMED FORCES AND PUBLIC SAFETY SCHOLARSHIP PROGRAM, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 33-4302A, IDAHO CODE, RELATING TO PUBLIC SAFETY OFFICER DEPENDENT SCHOLARSHIPS; REPEALING SECTION 33-4303, IDAHO CODE, RELATING TO THE IDAHO ROBERT R. LEE PROMISE SCHOLARSHIP

PROGRAM; REPEALING SECTION 33-4304, IDAHO CODE, RELATING TO PUBLIC POLICY; REPEALING SECTION 33-4305, IDAHO CODE, RELATING TO PURPOSES; REPEALING SECTION 33-4306, IDAHO CODE, RELATING TO DEFINITIONS; REPEALING SECTION 33-4307, IDAHO CODE, RELATING TO ELIGIBILITY, MAXIMUM AMOUNTS AND CONDITIONS; REPEALING SECTION 33-4308, IDAHO CODE, RELATING TO MAXIMUM NUMBER OF GRANTS; REPEALING SECTION 33-4309, IDAHO CODE, RELATING TO REMITTANCE IN CASE OF DISCONTINUED ATTENDANCE; REPEALING SECTION 33-4310, IDAHO CODE, RELATING TO PROHIBITION OF DISCRIMINATION; REPEALING SECTION 33-4311, IDAHO CODE, RELATING TO CERTIFICATIONS OF ENROLLMENT AND TERMINATION OF ATTENDANCE OF GRANT RECIPIENTS; REPEALING SECTION 33-4312, IDAHO CODE, RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AS ADMINISTRATIVE AGENCIES; REPEALING SECTION 33-4313, IDAHO CODE, RELATING TO DUTIES OF THE BOARD; REPEALING SECTION 33-4314, IDAHO CODE, RELATING TO THE APPOINTMENT OF ADMINISTRATOR AND STAFF; REPEALING SECTION 33-4315, IDAHO CODE, RELATING TO NO CONTROL OF NONPUBLIC INSTITUTIONS WHICH ACCEPT GRANT RECIPIENTS; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4303, IDAHO CODE, TO ESTABLISH THE IDAHO OPPORTUNITY SCHOLARSHIP, TO PROVIDE FOR PURPOSE, TO DEFINE TERMS, TO PROVIDE FOR RULES, TO PROVIDE FOR ELIGIBILITY, TO PROVIDE FOR USE OF FUNDS, TO ESTABLISH LIMITS ON COSTS, TO PROVIDE FOR AWARD PAYMENTS, TO ESTABLISH PROVISIONS RELATING TO REMITTANCE, TO PROVIDE FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT AND TO PROVIDE FOR AN EVALUATION; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-4304, IDAHO CODE, ESTABLISHING PROVISIONS RELATING TO SCHOLARSHIP PROGRAM REPORTING REQUIREMENTS; REPEALING CHAPTER 46, TITLE 33, IDAHO CODE; REPEALING CHAPTER 56, TITLE 33, IDAHO CODE; AMENDING SECTION 33-2101A, IDAHO CODE, TO REMOVE CODE REFERENCES; AND PROVIDING EFFECTIVE DATES.

S 1028

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1620, IDAHO CODE, TO REMOVE REFERENCE TO A PILOT PROGRAM AND TO REMOVE UNNECESSARY LANGUAGE; AMENDING SECTION 33-1621, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PARTICIPATION IN THE MASTERY ADVANCEMENT PROGRAM; AND REPEALING SECTION 7, CHAPTER 275, LAWS OF 2010.

S 1025, **S 1026**, **S 1027**, and **S 1028** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Wednesday, January 23, 2013.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 23, 2013**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Davis, absent and formally excused by the Chair.

Prayer was offered by Chaplain James R. Wibberding.

The Pledge of Allegiance was led by Taylor Davis, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 22, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 23, 2013

The JUDICIARY AND RULES Committee reports that [S 1025](#), [S 1026](#), [S 1027](#), and [S 1028](#) have been correctly printed.

LODGE, Chairman

[S 1025](#) and [S 1026](#) were referred to the State Affairs Committee.

[S 1027](#) and [S 1028](#) were referred to the Education Committee.

January 23, 2013

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Kevin Settles to the Idaho Commission on Human Rights, term to expire July 1, 2015.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 21, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gregory J. Schade of Boise, Idaho, was appointed as a member of the State Building Authority to serve a term commencing March 30, 2012, and expiring January 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 22, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Spackman of Eagle, Idaho, was reappointed as Director of the Idaho Department of Water Resources to serve a term commencing July 10, 2012, and expiring January 1, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

January 22, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mark William Lliteras of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing October 1, 2012, and expiring June 30, 2016.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 22, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Susan Elizabeth Buxton of Boise, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing August 1, 2012, and expiring July 1, 2018.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 22, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wanda Chillingworth Quinn of Coeur d'Alene, Idaho, was reappointed as a member of the Public Charter School Commission to serve a term commencing May 12, 2012, and expiring May 12, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Education Committee.

January 22, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Roger Chase of Pocatello, Idaho, was reappointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2013, and expiring January 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1029 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 23-404, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-1003, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING THE HEADING FOR PART 8, CHAPTER 9, TITLE 28, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-2144, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-4514, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-6311, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 47-330, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 48-406, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1908, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 54-3503, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3504, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3508, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 59-1302, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1324, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 59-1391, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 65-501, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 65-503A, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION.

S 1030
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 31-703, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TERM OF OFFICE OF A COUNTY COMMISSIONER; AND AMENDING SECTION 34-617, IDAHO CODE, TO PROVIDE THAT ON AND AFTER A DATE CERTAIN EACH MEMBER OF A BOARD OF COUNTY COMMISSIONERS SHALL BE ELECTED FROM THE DISTRICT IN WHICH HE RESIDES.

[S 1029](#) and [S 1030](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 10:45 a.m., Thursday, January 24, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 24, 2013

Senate Chamber

President Little called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Cameron and Lodge, absent and excused.

Prayer was offered by Senator Jeff Siddoway.

The Pledge of Allegiance was led by Emma Fredericksen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Lodge and Cameron were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 24, 2013

The JUDICIARY AND RULES Committee reports that [S 1029](#) and [S 1030](#) have been correctly printed.

LODGE, Chairman

[S 1029](#) and [S 1030](#) were referred to the State Affairs Committee.

January 23, 2013

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 1](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[H 1](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Steve Landon of Chubbuck, Idaho, was reappointed as a member of the State Insurance Fund Board to serve a term commencing April 30, 2012, and expiring April 30, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Commerce and Human Resources Committee.

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jay F. Kunze of Pocatello, Idaho, was reappointed as a member of the Hazardous Waste Facility Siting License Application Review Panel to serve a term commencing March 30, 2012, and expiring March 6, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Health and Welfare Committee.

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Linda Mitchell of Sagle, Idaho, was reappointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2012, and expiring July 24, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Brandon D. Woolf retained its place on the calendar for Monday, January 28, 2013.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Kevin Settles retained its place on the calendar for Friday, January 25, 2013.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Mortimer, Chairman, and Senators Vick and Bock to escort Chief Justice Roger S. Burdick into the Senate Chamber where he delivered the **State of the Judiciary Address**:

Mr. President, Mr. President Pro Tem, and distinguished members of the Idaho Senate, my colleagues on the Supreme Court and Court of Appeals, and fellow Idahoans.

I bring greetings from Idaho's judiciary who handled over 436,000 filed cases and 655 filed appeals in 2012.

I am proud to report to you on the performance and continued accountability of Idaho's third branch of government. Like many of you in this body, we rely heavily on evidence-based practices supported by quantifiable research. My remarks today will describe how the judiciary uses those in furtherance of its mission to provide justice through the timely, fair and impartial resolution of cases.

First are the efforts of our problem solving courts. This is not business as usual. The problem solving court model starts with intense supervision by a judge of a criminal or civil case. This supervision is supported by a multidisciplinary team whose members have significant experience in the field. The problem-solving team monitors, educates and recommends needed action until the participant complies with the necessary requirements. This work necessitates increased analysis, resources, and time, that by all quantifiable research works. The fact that it works can be seen in the expansion from drug courts to mental health courts, to domestic violence courts, to child protection courts and now to veteran's courts. All three branches of government have found this type of problem-solving team approach works and saves counties and state correctional dollars, keeps our communities safe, and holds offenders accountable.

Our goal of quantifiable results is also seen in our Advancing Justice Initiative. The Advancing Justice Initiative was begun to provide assurance that we do our business as efficiently as possible. In that regard, a court committee headed by Senior Judge Barry Wood has been analyzing Idaho's court system. That work includes contacts with Idaho Department of Correction, law enforcement, attorneys, judges, and clerks and analyzes each and every case type which is filed in Idaho. This analysis has helped to identify inefficiencies and to see what processes can be reformed to speed resolution of our citizens' problems. This is not

an analysis that is aimed only at speed; it is also an analysis of quality. As a result of the data demands of this initiative, as well as the critical need to upgrade our statewide case management system that you have supported since the 1980's, Idaho's courts have adopted a new vision for court technology.

Our vision includes real-time data from every court in the state immediately available to every other court and to all individuals who require access to court information. This real-time data transfer allows enforcement of court orders for the protection of victims and communities. This capability will extend to every courthouse in Idaho. We are now working diligently on getting that infrastructure in place.

We also envision an expanded statewide telepresence for litigants, attorneys, judges and the public. Our magistrate and district judges travelled over 309,000 miles last year to preside over hearings in courthouses across the state. By the use of advanced technology, mileage costs and travel time will be significantly reduced and attendant cost savings to law enforcement will be realized. Just as private enterprise relies on telepresence to conduct business in the new economy, we will embrace this new technology and look for the efficiencies it will provide. As part of our technology analysis, we are examining how better to collect those fines, fees and other obligations on a coordinated statewide basis. We know there will be significant efficiencies achieved if that can be done.

Our technology plans were started by an in-depth analysis and assessment of our existing systems by three of the nation's foremost experts on court technology. That assessment is available on our website for all of you to examine and read. Following that assessment, a committee was formed to chart dynamic and broad policy decisions for the coming years concerning our use of technology for Idaho's citizens. When I use the word "dynamic," it is actually an understatement. In the thirty-one years that I have been a judge in the Idaho court system, I can't remember a time when the Idaho courts have been as responsive to our citizens' needs and accountable for our performance. Efforts are underway which will affect Idaho's judiciary for decades. We anticipate coming to you next session with a more complete analysis of revenue options as our plans evolve for the electronic filing of all court papers. As we move to "paperless courthouses," we anticipate some of these improvements can be funded by court users, and significant savings realized by counties and courts.

As I reported last year, we have continued with our recruitment efforts to make sure that we are attracting the most qualified judges available. We now hold open discussion groups in those counties where district judges are being replaced concerning the benefits of starting a career in the judiciary and to answer any and all questions concerning that career and application process. During judicial council interviews, we have heard numerous times from applicants who were encouraged by this opportunity to step forward and consider applying for a district judge position.

Despite these and other efforts we have a significant problem in recruiting district judges. The Judicial Council can rarely send a full slate of four names to the governor for appointment. In our surveys, and interviews with bar members and judges, it has become apparent that the district judgeship is no longer a highly sought-after judicial position. The reasons are many – the overwhelming workload that many district judges face in terms of numbers, as well as complexity; the prospect of contested election; as well as the inadequate compensation of that position.

You might ask why are potential applicants so concerned with the prospect of contested elections. The Legislature has wisely placed practice and age requirements on judicial candidates and applicants. The chosen attorney has built a clientele and other professional relationships that must be completely terminated to take a judicial position. If the judge loses a contested election, those clients are gone. The judge must start from scratch, replicating that prior book of business. When you factor in the ethical constraints on a judge's conduct, fund raising, and time away from a full judicial caseload to run an election, you begin to understand the high stakes to a potential applicant and his or her family.

While we have a judiciary that is nationally recognized for its commitment to excellence, performance, and accountability, Idaho ranks 46th in compensation for its general jurisdiction judges. We have recognized for many years there is a need to improve the salary of district judges so we can attract highly qualified private attorneys to that position. We can do better. We will be presenting a comprehensive analysis this session of the need to recruit the most qualified district judges.

I reported last year that we were re-energizing our guardianship and conservatorship work in reaction to the "graying" of America. Did you know the numbers of Idahoans sixty and older grew by 44% - from 2000 to 2010? From 2010 to 2030 it is estimated to increase by 65%. There are now over 6200 active guardianship and conservatorship cases in Idaho, with over 300 million dollars in assets monitored last year by court personnel. This will only increase. I am pleased to report that the guardianship and conservatorship committee headed by Judge Chris Bieter of Ada County has made significant progress. Idaho courts were singled out as a voting delegate to attend the 3rd National Guardianship Summit. We have fixed our vision for Idaho on evidence-based solutions. We look forward to our work with the legislative and executive branches to re-examine all statutes and court rules to make sure that Idaho meets its responsibilities to its oftentimes most vulnerable citizens.

We are also requesting the legislature repeal the sunset provision of House Bill 687, which added an emergency surcharge to felony, misdemeanor and traffic infraction cases. The general fund will not permit you to fill a funding gap over 4 million dollars if the surcharge sunsets. Since you enacted it in 2010, the emergency surcharge has kept the courthouse doors open in each of your counties and provided for such beneficial programs as drug courts, mental health court, and family courts. The repeal of the sunset provision is vital to the judiciary's constitutional role to solve people's disputes and keep our communities safe.

Even with the surcharge, the Court was unable to fill four magistrate judge positions. We have now been able to fill two of those positions. We wish to thank the county officials for their patience and ability to manage with senior retired judges until we could refill those positions. We plan to fill the two remaining vacancies in September, 2013 and early 2014. Numerous court employee positions, however, remain vacant statewide and significant reductions have been made in all court operations.

It is bedrock function of government to properly fund a justice system. A justice system largely based upon user fees cannot continue to provide the requisite funds to protect our communities nor timely resolve our complex civil disputes. At some point the debt load of offenders will not be able to fund that justice system or the attendant agencies that rely on these fees for revenue. This is a recognition which is being debated

in statehouses throughout the nation and an area we, as a state need to monitor.

The word "court costs" quite frankly is misleading. Did you know 152 cities share \$6.9 million in "court costs" yearly? The 44 counties disburse \$16.3 million in 23 different ways. State entities receive a total of \$26.3 million; the general fund, \$5 million; and other state entities \$21.3 million. These are in addition to restitution to victims. This basket is about full and Idaho must proceed carefully when adding to the court cost or fee basket. We hope that a statewide analysis through the Criminal Justice Commission will help you in this regard.

So how can you and other interested citizens follow a branch of government that is so dynamic – so bent on improvement? We promote openness and accountability through the expanded use of the Idaho judiciary's web-site. You can look at all Supreme Court and Court of Appeals opinions on line, the minute they are published. You can follow us on Twitter for Supreme Court and Court of Appeals hearing dates and locations. Since August, 2012, the Supreme Court's Boise oral arguments are streamed on Idaho Public Television's website. I have heard many legislators say they use the district court and magistrate division case information available on-line through our data repository, but we also acknowledge it needs to be modernized. Court assistance, self-help information and forms are available online as a partial answer to the large increase in the number of Idahoans who are proceeding in court without attorneys. Lastly, we invite all legislators to attend interviews in your home counties when the Judicial Council or your Magistrate Commissions interview new judicial candidates.

You can also find on the website all of the rules of the Idaho courts and any impending amendments to those rules. I would like to recognize Judges Russell Comstock and David Day for their vision for specialized rules of procedure for family courts. They and a court committee worked for three years on those rules and we thank them. Their idea came to fruition when their committee's rules became a one-year pilot project in Ada County.

In the near future, this legislature will consider, for the first time in many decades, an analysis of improving the public defense system in each of our counties. It is a basic tenet of our judicial system to be fair to those persons brought before the court, accused by the state of crimes which may take their liberty, their reputation, and their purse.

It can be argued that our statewide system of public defense for those citizens who cannot afford their own private attorney is not balanced throughout the state nor within the courtrooms of Idaho. The Governor's Criminal Justice Commission has made progress in identifying some of the areas that you will need to consider on a public policy basis. We leave it to your solemn analysis as to how Idaho can approach this problem in the near future. The Idaho judiciary supports the appointment of an interim legislative committee to review these issues and we pledge to support that committee with information upon which you can make these important decisions. This is not an issue of guilty persons going free, but of Idaho's citizens sharing in a criminal system that is fair to all concerned.

As a final note, none of this work can be done without the numerous county clerks, bailiffs, attorneys and others who provide the administration arm of the courts. This statewide collection of professionals is guided by Patti Tobias, the Administrative Director of the Courts. Many of you know her as a true professional and friend. Now she has been appropriately

awarded the nation's highest award. This month she was given the Warren E. Burger award for excellence in court administration by the National Center for State Courts. A formal presentation is set for early February and you are all invited. Please join me in a round of applause for this remarkable Idahoan.

In closing, I hope I have given you a glimpse of a judiciary which is dynamic. A judiciary whose members are constantly striving to improve its competency and efficiency, to fulfill its duty as an independent third branch of this great State's government. I hope I have perked your interest so you can contact us for more information.

Thank you.

The President thanked Chief Justice Burdick for his remarks and Senator Mortimer, Chairman, and Senators Vick and Bock escorted Chief Justice Burdick from the Chamber, and the Committee was discharged.

On request by Senator Davis, granted by unanimous consent, the State of the Judiciary Address was ordered spread upon the pages of the Journal.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:20 a.m. until the hour of 11:30 a.m., Friday, January 25, 2013.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-SECOND LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 25, 2013

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde, Lacey, and Mortimer, absent and formally excused by the Chair.

Prayer was offered by Senator Lee Heider.

The Pledge of Allegiance was led by Jessica Kennedy, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 24, 2013, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 24, 2013

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

William M. Naillon to the Idaho Fish and Game Commission, term to expire June 30, 2016.

PEARCE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 24, 2013

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1009](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[S 1009](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dustin Thomas Miller of Boise, Idaho, was appointed Administrator of the Office of Species Conservation to serve a term commencing July 18, 2012, and continuing at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ford Elsaesser of Sandpoint, Idaho, was reappointed as a member of the Lake Pend Oreille Basin Commission to serve a term commencing July 24, 2012, and expiring July 24, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Andrea Wassner of Boise, Idaho, was reappointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2012, and expiring July 1, 2015.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the State Affairs Committee.

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Carol Mascarenas of Idaho Falls, Idaho, was reappointed as a member of the Board of Environmental Quality to serve a term commencing July 1, 2012, and expiring July 1, 2016.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Resources and Environment Committee.

January 23, 2013

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jody Olson of Boise, Idaho, was reappointed as a member of the Public Employee Retirement System of Idaho to serve a term commencing July 1, 2012, and expiring July 1, 2017.

This reappointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial reappointment was referred to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 24, 2013

Dear Mr. President:

I transmit herewith [H 2](#), [H 3](#), and [H 4](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 2](#), [H 3](#), and [H 4](#) were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial appointment of Kevin Settles was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Werk, the Gubernatorial appointment of Kevin Settles as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1031 BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT
RELATING TO COMMERCIAL TRANSACTIONS;
AMENDING SECTION 28-4-608, IDAHO CODE, TO
PROVIDE FOR AN EXCEPTION, TO ESTABLISH
PROVISIONS RELATING TO CERTAIN REMITTANCE
TRANSFERS AND TO ESTABLISH PROVISIONS
RELATING TO THE APPLICATION OF LAWS.

[S 1031](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 2](#), [H 3](#), and [H 4](#), by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 1](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Monday, January 28, 2013.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary